Office of the Commissioner for Federal Judicial Affairs Canada

2013-14

Report on Plans and Priorities

The Honourable R. D. Nicholson, P.C., Q.C., M.P.
Minister of Justice and Attorney General of Canada

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Commissioner's Message

The Office of the Commissioner for Federal Judicial Affairs Canada (FJA) was created in 1978 to safeguard the independence of the judiciary and to put federally appointed judges at arm's length from the administration of the Department of Justice. It exists to promote the better administration of justice and focuses its efforts on providing a sound support role to the federal judiciary.

The office administers three separate components that are funded from distinct sources. Statutory appropriations in Part I of the Judges Act provide funding for judges' salaries, allowances and annuities and survivors benefits. Voted appropriations in two separate votes support the administrative activities of the Office of the Commissioner and the administrative activities of the Canadian Judicial Council.

The Canadian Judicial Council is made up of the Chief Justices, Senior Judges and Associate Chief Justices of Canada. The Council acts independently in the pursuit of its mandate to promote efficiency, uniformity, and accountability, and to improve the quality of judicial service in all superior courts in Canada. The Council is served by a small office which reports to the Commissioner for Federal Judicial Affairs but is accountable to the Chief Justice of Canada in serving the needs of the Council. FJA provides administrative and financial support and advice to the Council in support of its mandate.

FJA is structured to reflect its distinct role in support of the federal judiciary. Under the Program Alignment Architecture, the organization is broken down into four programs: Payments Pursuant to the *Judges Act*; Canadian Judicial Council; Federal Judicial Affairs, and Internal Services.

These activities strive to meet our priorities of: client service; corporate planning and reporting; information/management systems; and security.

Success in fulfilling these priorities is determined through measurement strategies which assess the level of achievement of key results. FJA is proud to provide a high level of service and support to federally appointed judges.

William A. Brooks
Commissioner

SECTION I – OVERVIEW

Raison d'être

The department provides services to the Canadian judiciary and promotes judicial independence. The Minister of Justice is responsible for this organization.

Mission Statement

To provide excellent services and support to the federal judiciary in a manner that promotes the independence of the judiciary and the confidence of Canadians in our judicial system.

Responsibilities

Section 73 of the *Judges Act* provides for the establishment of an officer called the Commissioner for Federal Judicial Affairs who shall have the rank and status of a deputy head of a department. Section 74 sets out the duties and functions of the Commissioner.

The Office of the Commissioner:

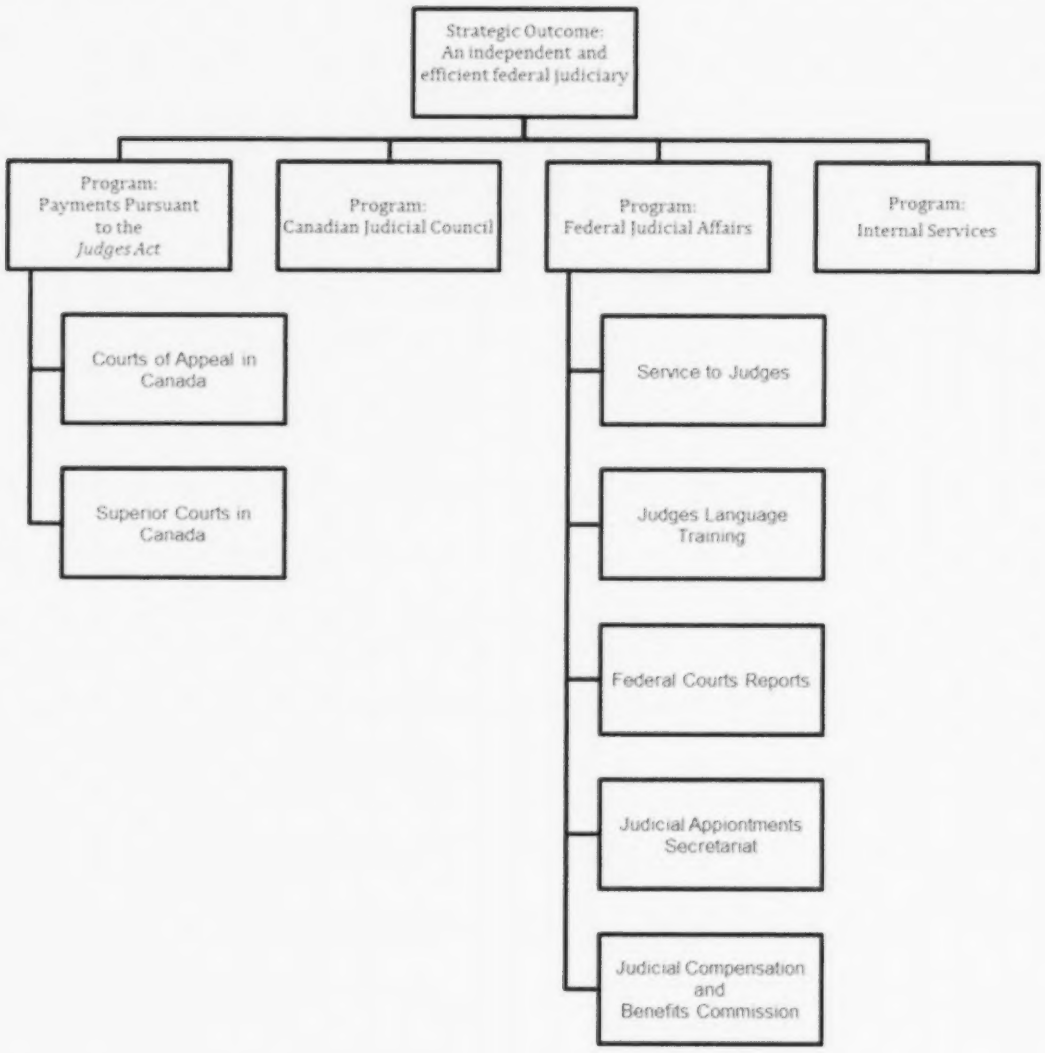
- administers Part I of the *Judges Act* by providing judges of the Federal Court of Appeal, the Federal Court, the Tax Court of Canada and federally appointed judges of provincial and territorial superior courts with salaries, allowances and annuities in accordance with the *Judges Act*;
- prepares budgetary submissions for and provides administrative services to the Canadian Judicial Council; and
- undertakes such other tasks as the Minister of Justice may require in connection with any matters falling, by law, within the Minister's responsibilities for the proper functioning of the judicial system in Canada.

Strategic Outcome

FJA seeks to deliver high quality services to the Canadian Judiciary in order to support and promote judicial independence. In this regard, FJA contributes to the following strategic outcome:

An independent and efficient federal judiciary.

Strategic Outcome and Program Alignment Architecture


Strategic Outcome: An independent and efficient federal judiciary
Program: Payments Pursuant to the Judges Act
Program: Canadian Judicial Council
Program: Federal Judicial Affairs
Program: Internal Services
Courts of Appeal in Canada
Superior Courts in Canada
Service to Judges
Judges Language Training
Federal Courts Reports
Judicial Appointments Secretariat
Judicial Compensation and Benefits Commission

Organizational Priorities

Organizational Priorities	Type	Links to Strategic Outcome	Description
Client Services	Ongoing	SO 1	FJA's primary duty and responsibility is to administer the *Judges Act* and to provide all federally appointed judges with the support services that they require to fully carry out their judicial mandate. By listening to its clients and monitoring the judicial environment, FJA can identify the judges' needs, present and future, and effectively adjust resources and operations to meet them.

			FJA has the duty to provide various services to its clients, which include pensioners and survivors, the Minister of Justice and Attorney General of Canada, the Canadian Judicial Council, Parliament, Judicial Appointments Advisory Committee members and judicial candidates, and Canadians who consult the *Federal Courts Reports* (including members of the judiciary and of the legal profession). FJA must also enhance the quality of existing services when needed and offer new services where feasible.
Corporate Planning and Reporting	Ongoing	SO 1	In response to recent requirements of the Treasury Board Secretariat, the Corporate Planning initiative has created a formal system of corporate policy development, planning, performance management and program evaluation which integrates Human Resource Planning. By having a formal system for corporate policy development, planning, performance management and program evaluation, FJA is able to ascertain that the services it provides to judges, the Canadian Judicial Council, and the Minister of Justice are in accordance with established policies and are effective and efficient.
Information/ Management Systems	Ongoing	SO 1	The goal of the Information/Management Systems initiative is to improve and develop information management systems that support business programs and to improve the effectiveness of FJA's management of information, data and knowledge resource holdings. One of the expected benefits is to reduce FJA's heavy reliance on manual processes, and introduce efficiencies through the adoption of automated information transfer mechanisms. This entails the creation of integrated systems to reduce manual processes, eliminate redundant and home grown systems, and facilitate automated information transfer. The design and implementation must follow the systems development approach required in TB procedures and guidelines for the management of information systems projects.
Security	Ongoing	SO 1	The Security initiative aims to create a single point of reference for all aspects of security, including physical security of FJA clients, employees, visitors, facilities, data, information and systems and to ensure FJA is compliant with the Government Security Policy. This initiative entails all current and foreseeable FJA roles and responsibilities for providing security to individuals, information, knowledge, data, systems, equipment, and facilities. The range of issues includes FJA strategies, policies, procedures, and protocols, as well as all issues of accountability, responsibility, and authority for all aspects of security.

Risk Analysis

FJA's environment is complex due to the range of services it provides (compensation, benefits, language training, legal publishing, etc.) and the large number of clients served. FJA is also one of the only organizations in government with the delicate task of regularly interacting with three branches of government: legislative for the administration of the *Judges Act*; judicial for a wide range of services; and the executive with respect to managerial and central agency requirements.

With 66 employees, the Office serves more than 1,108 judges, 870 retired judges and survivors, 133 members of the Judicial Advisory Committees, between 500 and 600 applicants each year for judicial appointment and Canadians in general (including members of the judiciary and of the legal profession) through the publication of the *Federal Courts Reports*. FJA administers a budget in excess of $495 million annually which pays for judges' salaries, allowances and annuities, relocation and travel expenses as well as covering the costs of running the Office (informatics, training, finance, administration and other related expenses). It provides services to judges including language training. It informs the legal community as well as the general public through the publication of the official reports of the decisions of the Federal Court and the Federal Court of Appeal, the *Federal Courts Reports*, in a bilingual, side-by-side format, thus ensuring a permanent record of these decisions. It also promotes access to justice and provides value to Canadians. FJA also serves the requirements of the Minister of Justice through the operation of the Judicial Appointments Secretariat which is responsible for the administration of the 17 Judicial Advisory Committees that assess candidates for judicial appointment.

Recognizing this context, FJA has developed a risk profile and actively monitors through its management team external and internal risks. Outlined below are the risks FJA has identified for the 2013-2014 fiscal year.

External Risks – Workload demand for FJA services is increasing in line with demographic changes in the client base, which brings additional operational demands. Requirements are also increasing for administering the reimbursement of travel and other allowances to federally appointed judges. FJA actively monitored and managed risks related to managing additional workload to ensure judges received timely reimbursement of their salaries, allowances and annuities, in accordance with the Act.

Part of the role of FJA is to provide administrative support to the Canadian Judicial Council (CJC) which has the authority over the work of more than 1,108 federally appointed judges. As part of its mandate, CJC receives and investigates complaints against members of the judiciary. Resources required depend upon the number of complaints received and the manner in which they proceed; for example, complaints which result in an inquiry require considerable resources. CJC is also mandated to set policies and provide tools that help the judicial system remain efficient, uniform, and accountable. The resources required to achieve this goal have increased. There is increased demand on the Council to address various issues of the judiciary.

FJA complies with the same central agency expectations and requirements (comptrollership, management and accountability systems, etc.) as larger departments with core, specialized resources in the fields of planning, communications, human and financial administration and evaluation. FJA has a small management team and more informal and hands-on day-to-day monitoring and management functions which provides the flexibility and responsiveness required to effectively manage risk in relation to standard processes supporting a client base of federally appointed judges.

FJA also faces challenges in keeping the *Federal Courts Reports*, which it publishes, up to date with current practices in legal publishing. Publishing practices have changed considerably over the past decade. FJA must keep up with the changing demands and expectations of the modern judicial community in general, as well as with the high volume of decisions being rendered by the Federal Courts.

The Minister of Justice provided a response to the report issued by the Judicial Compensation and Benefits Commission. The legislation required to enact the changes accepted by the government has been passed by Parliament. Changes to judicial compensation and benefits may have an impact on the resource requirements of the department.

Internal Risks – FJA recognizes that it operates within a technology-driven world economy and must meet evolving expectations, including those set by the federal government and the Management Accountability Framework (MAF). The MAF provides a very effective reality check on key areas of risk with respect to information management and technology which are important to the effective administration of service to judges.

The mandate of the department includes "do such other things as the Minister may require in connection with any matter or matters falling, by law, within the Minister's responsibilities for the proper functioning of the judicial system in Canada." *Judges Act*, paragraph 74(1)(d). The Minister has delegated to FJA responsibility for the administration of the Judicial Compensation and Benefits Commission as well as administrative support to the Supreme Court of Canada Appointment Process. The activities related to the Supreme Court of Canada Appointment Process depend upon the number of vacancies to be filled. In fiscal year 2013-14, at least one vacancy will need to be filled. These activities and those in support of the Judicial Compensation and Benefits Commission represent unfunded obligations that FJA must meet by reallocating internal resources.

FJA maintains and updates a sophisticated work planning process which defines key initiatives and resource requirements. Financial forecasting and expenditure reporting is actively monitored. Judges are reimbursed their actual and reasonable expenses incurred under the authority of the *Judges Act*. Judges' caseload and work schedules are determined by their Chief Justices based on the caseload of the court. Any forecast of expenses incurred by judges is based on historical trends. Actual expenses incurred may be greater or less than the forecasts.

FJA remains involved in promoting and facilitating participation by members of the Canadian judiciary in a number of international co-operation projects. FJA regularly receives/hosts international delegations to share its core expertise. In addition, FJA continues to cooperate with CIDA, DFAIT, the Department of Justice Canada and other government agencies in advancing Canadian government policies toward aid and technical assistance in the field of judicial reform abroad. FJA faces the challenge of balancing resources for ongoing activities with the requirements of coordinating initiatives related to the involvement of the Canadian judiciary in international cooperation activities. FJA depends entirely on funding from other government departments to maintain its capacity to continue to provide support to judges in international activities.

Our organization makes use of the central compensation tools provided by Public Works and Government Services Canada. We have been informed that the existing pay and pension system currently maintained by PWGSC for judges will be discontinued in the next few years. We have been in discussions with PWGSC with regard to a replacement solution. The impact on this organization resulting from these changes has not yet been determined.

FJA has established a frozen allotment to assist us in reimbursing the costs for legal services provided to judges who face legal actions as a result of their judicial duties. These funds are also used to assist judges against whom Canadian Judicial Council inquiries have been established. Additional funds could be needed depending on the number and nature of legal services needed by the judges.

Planning Summary

Financial Resources

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-2014	Planned Spending 2014-2015	Planned Spending 2015-2016
$497,675,214	$497,675,214	$511,042,641	$524,588,051

Human Resources (Full-Time Equivalents-FTE)

2013-2014	2014-2015	2015-2016
66	66	66

Planning Summary Table for Programs ($ millions)

Program[1]	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16	Alignment to Government of Canada Outcomes
Payments Pursuant to the *Judges Act*	$443.2	$459.8	$474.7	$487.5	$500.9	$514.4	Safe and Secure Communities
Canadian Judicial Council	$1.7	$1.9	$1.8	$1.7	$1.7	$1.7	Safe and Secure Communities
Federal Judicial Affairs	$7.8	$8.6	$8.6	$7.6	$7.6	$7.6	Safe and Secure World Through International Cooperation.
Sub Total	**$452.7**	**$470.3**	**$485.1**	**$496.8**	**$510.2**	**$523.7**	

Planning Summary Table for Internal Services ($ millions)

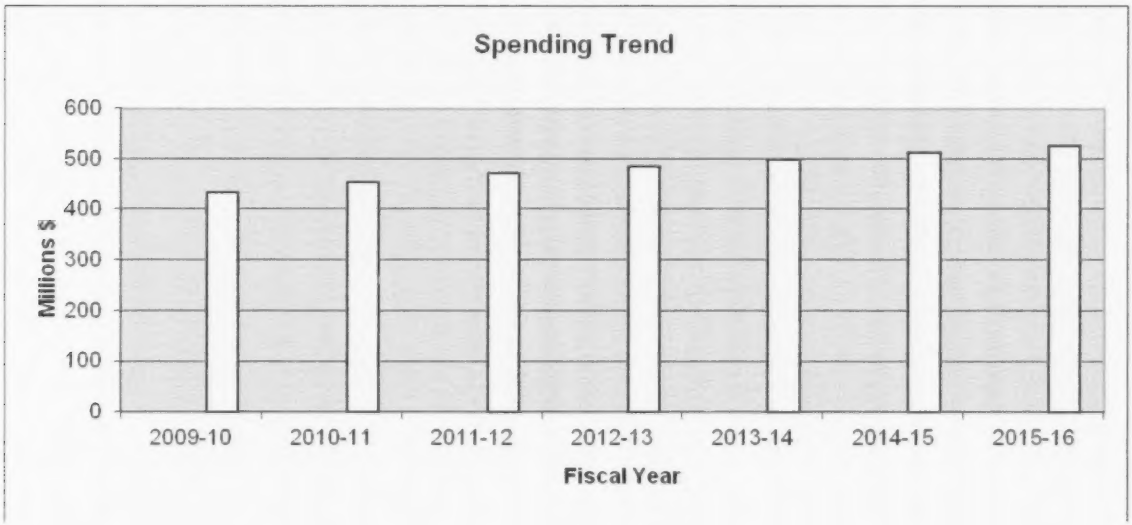
Program[1]	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16	Alignment to Government of Canada Outcomes
Internal Services	$.9	$.9	$.9	$.9	$.9	$.9	

Planning Summary Total

Program[1]	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13	Planned Spending 2013-14	2014-15	2015-16	Alignment to Government of Canada Outcomes
Total	$453.6	$471.2	$486.0	$497.7	$511.1	$524.6	

Expenditure Profile

Departmental Spending Trend



The total spending for the department shows a continual increase over the planning period. This increase is a result of a provision in the *Judges Act* which allows for an annual increase in salaries to judges based on the Industrial Aggregate. These estimates do not take into consideration the potential impact of the results of the recommendations of the Judicial Compensation and Benefits Commission.

Estimates by Vote

For information on our organizational votes and/or statutory expenditures, please see the 2013-14 Main Estimates publication. An electronic version of the Main Estimates is available at http://www.tbs-sct.gc.ca/est-pre/2013-2014/me-bpd/info-eng.asp.

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome

Strategic Outcome: An independent and efficient federal judiciary.

Performance Indicators	Targets
Compliance with service standards	90% compliance with established service standards.
Judges' view on the contribution of the Office to judicial independence	90% of judges are satisfied with the administration of the judiciary and feel it effectively contributes to their independence.

The following section describes the program activities of the Office of the Commissioner for Federal Judicial Affairs and identifies the expected results, performance indicators and targets for each of them. This section also explains how the department plans on meeting the expected results and presents the financial and non-financial resources that will be dedicated to each program.

This section contains a discussion of plans surrounding the following Programs:

- Payments pursuant to the *Judges Act*
- Canadian Judicial Council
- Federal Judicial Affairs
- Internal Services

Program: Payments Pursuant to the *Judges Act*

Financial Resources

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-2014	Planned Spending 2014-2015	Planned Spending 2015-2016
$487,534,826	$487,534,826	$500,885,033	$514,430,443

Human Resources (Full-Time Equivalents-FTE)

2013-2014	2014-2015	2015-2016
0	0	0

Program Expected Results	Performance Indicators	Targets
Accurate and timely processing and validation of claims received for reimbursement of expenses in compliance with the *Judges Act* and internal guidelines governing financial management.	Percentage of expense claims processed and validated for entry into tracking system. Percentage of expense claims processed within service standard.	100% of expense claims compliant with *Judges Act* and departmental policies and guidelines. 90% of claims processed within service standard.
Comprehensive, up-to-date and validated files are kept on all judges and their survivors.	Percentage of judges satisfied with services.	80% of judges satisfied with services.
Efficient and effective administration of judges' compensation and benefits programs and processes.	Percentage of compensation and benefits claims processed within service standard.	90% of compensation and benefits claims processed within service standard.

This program activity provides for the payments of salaries, allowances and annuities to federally appointed judges, and their survivors, in the superior courts and courts of appeal in Canada.

The number of judges is not included in the FTE count for the Office of the Commissioner for Federal Judicial Affairs. The number of judicial positions is identified in the *Judges Act*. As of January 1, 2013 there were 1,108 federally appointed judges in Canada and there were 870 retired judges and survivors receiving an annuity pursuant to the *Judges Act*.

Planning Highlights

In order to achieve the expected results, the department will dedicate the required resources to ensure that federally appointed judges are provided with a high level of service. Client satisfaction surveys are conducted regularly to assist the department in determining and benchmarking the current level of satisfaction of the judges.

Program: Canadian Judicial Council

Financial Resources

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-2014	Planned Spending 2014-2015	Planned Spending 2015-2016
$1,672,727	$1,672,727	$1,668,410	$1,668,410

Human Resources (Full-Time Equivalents-FTE)

2013-2014	2014-2015	2015-2016
10	10	10

Program Expected Results	Performance Indicators	Targets
Effective functioning of Canadian Judicial Council committees.	CJC members satisfied with the administration and support of their committees.	With ongoing dialogue with Committee Chairs, Council office will ensure satisfaction to secretariat support.

Provide integrated support (administrative, secretariat, policy and legal research and advice) to the Council in support of its statutory mandate to foster the better administration of justice in Canada and serve as the body that oversees judicial conduct.

The role of the Canadian Judicial Council office is to support the Council, its committees and its members in their carrying out of the Council's mandate. Such support includes providing ongoing advice, ensuring the implementation of decisions taken, and managing administrative and executory functions as necessary for the efficient and effective execution of the mandate.

Planning Highlights

The Council office has 10 employees to manage and execute the mandate of the CJC, its annual meetings, and the work of Council committees.

Program: Federal Judicial Affairs

Financial Resources

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-2014	Planned Spending 2014-2015	Planned Spending 2015-2016
$7,613,383	$7,613,383	$7,623,494	$7,623,494

Human Resources (Full-Time Equivalents-FTE)

2013-2014	2014-2015	2015-2016
48	48	48

Program Expected Results	Performance Indicators	Targets
1. Timely and accurate administration of the Order-in-Council process.	Percentage of Order-in-Councils submissions prepared within service standards.	90% of submissions prepared within service standard.
2. Access to a trusted and reliable email and collaboration tool.	Percentage of time core system available to users. Percentage of judges satisfied with system.	Core systems available 98% of time on an annual basis. 75% of judges satisfied with system.
3. Federally appointed judges have access to timely, high -quality, and cost effective language training services.	Waiting time for judges to access training services.	90% of judges have access to language assessment and training services within service standard.
4. Timely, accurate and bilingual publishing of the official reports of the Federal Court of Appeal and of the Federal Court.	Percentage of selected cases published within service standards. Number of Parts published per year. Number of errata published per year. Percentage of decisions rendered published per year. Inclusion of quality value-added features (headnotes, captions, tables and lists, etc)	75% of selected cases are published within service standard. 12 Parts published per year. No more than 5 erratas published per year. 5% of decisions rendered are published per year. Canadians continue to have access to accurate decisions that undergo a thorough editorial process.
5. Fair and expeditious administration of the Judicial Appointments process.	Percentage of applications screened and referred to Advisory Committees in a timely manner.	95% of applications reviewed and verified within service standard.

These FTE's represent employees of the department who are responsible for the day-to-day operations of the department and to provide administrative services to federally appointed judges including language training, publishing of the *Federal Courts Reports* (a service that also benefits Canadians by promoting access to law), and services to the

Minister of Justice through the Judicial Appointments Secretariat. They also provide support to the judiciary in the areas of finance, human resources, administration and information management.

Planning Highlights

In order to achieve the expected results, a review of the existing Information Management systems will be undertaken with the objective of determining the best way to update the existing systems so that they are using current technologies.

During the course of the planning year, the Judicial Appointments Secretariat is expecting that new committee members for 8 advisory committees will be appointed. Training of these new members will be provided by FJA at the commencement of their term of appointment. Regular meetings with all 17 advisory committees will be held to provide the Minister of Justice with a pool of qualified candidates for judicial appointments in Canada.

In light of its particular expertise, the *Federal Courts Reports* group has been asked by the Court Martial Appeal Court to assist with publication of their decisions. FJA has entered into a Memorandum of Understanding to do that, and work has started and is expected to continue throughout the planning year. Also, the *Federal Courts Reports* group continues to move forward on other fronts to make the best use of new technologies to keep up with the changing demands of the legal and judicial communities and the general public. Finally, the *Federal Courts Reports* group will have to deal with changes at Publishing and Depository Services (PWGSC), which will no longer be producing, printing or warehousing hard copies of publications starting in 2014.

The Minister of Justice has responded to the report issued by the Judicial Compensation and Benefits Commission. The legislation needed to effect the recommendations accepted by the Minister has been passed by Parliament. Changes to judicial compensation and benefits may have an impact on the types of services provided by this office and the level of resources required.

Program: Internal Services

Financial Resources

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-2014	Planned Spending 2014-2015	Planned Spending 2015-2016
$854,278	$854,278	$865,704	$865,704

Human Resources (Full-Time Equivalents-FTE)

2013-2014	2014-2015	2015-2016
8	8	8

Program Expected Results	Performance Indicators	Targets
1. Resources are allocated and expended in a cost effective manner in accordance with the department's Strategic Plan.	Departmental lapse of resources.	Annual budgetary lapse under 5%.
2. Department successfully attracts and retains the right people at the right time to meet its current and future business needs.	Percentage of staff and management satisfied with Human Resource Services.	80% of staff and management are satisfied with the Human Resource Services.
3. A model workplace.	Percentage of staff satisfied with the organization.	80% of staff are satisfied with the organization.
4. Information technology tools are available to meet departmental needs.	Percentage of time the systems are available to users.	Core systems available 98% of the time on an annual basis.

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of the organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Material Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across the organization and not to those provided specifically to a program.

SECTION III – SUPPLEMENTARY INFORMATION

Financial Highlights

Future Oriented Financial Statements

($ millions)

Condensed Statement of Operations and Departmental Net Financial Position For the Year (ended March 31)	$ Change	Forecast 2013-14	Estimated Results 2012-13
Total Expenses	12.2	491.2	479.0
Total Revenues	.1	14.3	14.2
Net Cost of Operations before government funding and transfers	12.1	476.9	464.8
Departmental Net Financial Position	8.6	190.7	182.1

Condensed Statement of Financial Position For the Year (ended March 31)	$ Change	Forecast 2013-14	Estimated Results 2012-13
Total net liabilities	8.6	196.2	187.6
Total net financial assets	0	4.9	4.9
Departmental net debt	8.6	191.3	182.7
Total non-financial assets	0	.6	.6
Departmental net financial position	8.6	190.7	182.1

Details of the Statement of Operations and the Statement of Financial Position as well as the accompanying notes are available at the departmental website at http://www.fja-cmf.gc.ca/

List of Supplementary Information Tables

All Electronic supplementary information tables listed in the 2013-14 Report on Plans and Priorities can be found on the Office of the Commissioner for Federal Judicial Affairs website:

- Sources of Respendable and Non-respendable Revenue
- Greening Government Operations (GGO)

http://www.fja-cmf.gc.ca

Tax Expenditures and Evaluations Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the Tax Expenditures and Evaluations publication. The tax measures presented in the Tax Expenditures and Evaluations publications are the sole responsibility of the Minister of Finance.

SECTION IV – OTHER ITEMS OF INTEREST

Organizational Contact Information

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